

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

October 28, 2005

IN RE:

**PETITION FOR APPROVAL OF THE INTERCONNECTION,
COLLOCATION AND RESALE AGREEMENT BETWEEN
UNITED TELEPHONE-SOUTHEAST, INC.
AND KMC TELECOM V, INC.**

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**DOCKET NO.
05-00193**

**ORDER APPROVING THE INTERCONNECTION,
COLLOCATION AND RESALE AGREEMENT**

This matter came before Director Deborah Taylor Tate, Director Pat Miller and Director Sara Kyle of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on October 17, 2005 to consider, pursuant to 47 U.S.C. § 252, the Petition for approval of the interconnection, collocation and resale agreement negotiated between United Telephone-Southeast, Inc. ("UTSE") and KMC Telecom V, Inc. ("KMC") filed on July 19, 2005. Collocation is one of the elements of interconnection included in 47 U.S.C § 251, and as such collocation agreements require state approval pursuant to 47 U.S.C § 252.

Based upon a review of the agreement, the record in this matter, and the standards for review set forth in 47 U.S.C. § 252, the Directors unanimously granted the Petition, subject to KMC filing with the Authority proof of its recertification to transact business with the Tennessee Secretary of State. The panel directed KMC to file proof of its recertification with the Authority by November 30, 2005. The panel made the following findings and conclusions:

- 1) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104 (2004)
- 2) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it "discriminates against a telecommunications carrier not a party to the agreement" or

if the implementation of the agreement "is not consistent with the public interest, convenience or necessity."

3) The agreement is in the public interest as it provides consumers with alternative sources of telecommunications services within UTSE's service area. However, the agreement is contrary to the public interest to the extent that it involves an entity not properly authorized to transact business in the State.

4) The agreement is not discriminatory to telecommunications service providers that are not parties thereto

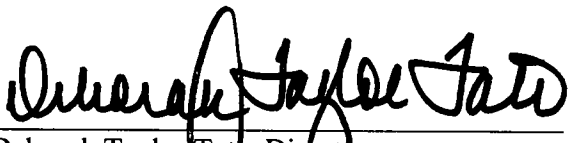
5) No person or entity has sought to intervene in this docket.


6) The agreement is reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104 (2004).


IT IS THEREFORE ORDERED THAT:

1. The Petition is granted contingent on KMC Telecom V, Inc. being reinstated by the Tennessee Secretary of State and filing with the Authority proof of its reinstatement by November 30, 2005

2 Failure of KMC Telecom V, Inc. to file proof of its reinstatement by November 30, 2005 will result in the agreement being deemed rejected as of October 17, 2005 without further action by the panel.


Deborah Taylor Tate, Director


Pat Miller, Director


Sara Kyle, Director